

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 23 2006

DAVID J. MALAND, CLERK

BY
DEPUTY

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§
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§
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vs.

BRETT MONROE WOOD

Case No. 4:05CR66
(Judge Brown/Judge Bush)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 2, 2006, to determine whether the Defendant violated his supervised release. The Defendant was represented by Robert Arambide. The Government was represented by Sam Cantrell.

On July 13, 2004, the Defendant was sentenced by the Honorable Chief United States District Judge H.W. Head Jr. to 6 months imprisonment followed by a 2-year term of supervised release for the offense of Transportation of an Unlawful Alien Within The United States. On October 22, 2004, Defendant began his supervised release.

On September 14, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) Defendant shall refrain from any unlawful use of a controlled substance and shall submit to one drug test within 15

days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the court; and (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The petition alleges Defendant committed the following acts: (1) On December 1, 2005, and March 2, August 7, and August 23, 2006, Defendant submitted verbal and written admissions stating he used cocaine on November 17, 2005, and February 23, July 18, and August 7, 2006; (2) On January 31 and November 17, 2005, Defendant submitted urine specimens that tested positive for cocaine; and (3) On February 11, 2005, Defendant submitted a verbal and written admission stating he used medication that was prescribed to him in 1981 that contained cocaine.

Prior to the Government putting on its case, the Defendant entered a plea of true to the above listed violations. At the hearing, the Court recommended that the Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Court revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months, with no supervised release to follow.

Signed this 1st day of October, 2006.



DON D. BUSH

UNITED STATES MAGISTRATE JUDGE